

MEMORANDUM

Agenda Item No. 7(E)

(Second Reading 10-18-05)

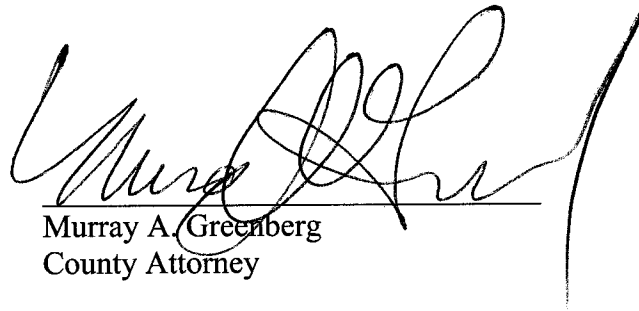
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 7, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance creating and
establishing the Fisher
Island Area Municipal
Advisory Committee

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro.



Murray A. Greenberg
County Attorney

MAG/bw

Memorandum



Date: October 18, 2005
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
From: George M. Burge
County Manager
Subject: Ordinance creating and establishing the Fisher Island area Municipal Advisory Committee

This ordinance creating and establishing the Fisher Island area municipal advisory committee will have no fiscal impact to Miami-Dade County

The municipal advisory committee has been meeting as established through Resolution 838-04 adopted on July 13, 2004. Staff will continue to provide the support it has been providing until the committee's work is completed.

A handwritten signature in black ink, appearing to be "G. Burge", written over a horizontal line.

Assistant County Manager

fiscal06305

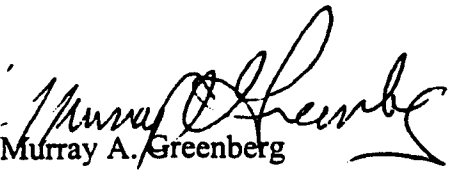


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 18, 2005

FROM: 
Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(E)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(E)
10-18-05

ORDINANCE NO. _____

ORDINANCE CREATING AND ESTABLISHING THE FISHER ISLAND AREA MUNICIPAL ADVISORY COMMITTEE; DIRECTING STAFF TO PREPARE A STUDY OF THE POSSIBLE CREATION OF A NEW MUNICIPALITY IN THE FISHER ISLAND AREA; PROVIDING WAIVER OF SECTIONS 2-11.37(c) AND 2-11.38 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, pursuant to Resolution No. 838-04 (Attachment I) a Fisher Island Area Municipal Advisory Committee was created; and

WHEREAS, it is anticipated that the Committee's advisory report will not be completed within one year from the date that the Committee was created pursuant to resolution; and

WHEREAS, pursuant to the Code of Miami-Dade County, Section 2-11.31.1, committees that will exist for a year or more shall be created by ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The Fisher Island Area Municipal Advisory Committee is hereby created as follows:

A. Composition.

There is hereby created a Fisher Island Area Municipal Advisory Committee consisting of a minimum of no less than seven (7) members and no more than eleven (11) members. The initial members as well as any vacancies on the Fisher Island Area Municipal Advisory Committee shall be those members appointed pursuant to memorandum to be issued by the County

Commissioner for the District. The members of the committee shall select officers from the membership as desirable or necessary.

B. Purposes.

- 1) To review the possible incorporation of the area known as Fisher Island.
- 2) To prepare an advisory report that shall address the results of the study prepared by County staff as well as incorporation concerns of members of the Board of County Commissioners and the manner in which those concerns may be alleviated in the event the Fisher Island area is incorporated as a new municipality.

C. Duties and Responsibilities.

- 1) The committee shall conduct no less than two duly advertised public hearings at which the residents of the area shall have the opportunity to express their views and concerns regarding the proposed incorporation of the Fisher Island area.
- 2) Prior to the first public hearing, the committee shall have reviewed the tape of the County Commission workshop on incorporation held on January 14, 1999, and shall be familiar with written materials concerning incorporation presented to the Board of County Commissioners at that time and at any subsequent meeting or workshop.
- 3) The committee's responsibilities shall terminate upon submission of its report to the Board of County Commissioners.

Section 2. The provisions of Section 2-11.37(c) of the Code of Miami-Dade County requiring that the public hearing on this ordinance be held no less than six weeks after passage on first reading is hereby waived.

Section 3. Notwithstanding the provisions of Section 2-11.38 of the Code of Miami-Dade County, a member of a Community Council may simultaneously serve on the Fisher Island Area Municipal Advisory Committee.

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RA6
CAC

Prepared by:

Craig H. Collier

Sponsored by Commissioner Bruno A. Barreiro

Approved _____ Mayor

Agenda Item No. 4(Z)

Veto _____

7-13-04

Override _____

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA**

RESOLUTION NO. R-838-04

RESOLUTION CREATING AND ESTABLISHING THE FISHER ISLAND AREA MUNICIPAL ADVISORY COMMITTEE AND SETTING FORTH ITS DUTIES; DIRECTING COUNTY STAFF TO PREPARE A STUDY OF THE POSSIBLE CREATION OF A NEW MUNICIPALITY IN THE AREA OF MIAMI-DADE COUNTY

WHEREAS, a group of residents in the Fisher Island area of Miami-Dade County has expressed an interest in creating a new municipality in the area; and

WHEREAS, such residents recognize the serious implications of creating a new municipality both for the residents of the proposed municipality and for the remaining residents of the unincorporated area and therefore, desire to work with County staff to address these implications; and

WHEREAS, this Board desires to determine whether to proceed with the incorporation process of this municipality,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The Fisher Island Area Municipal Advisory Committee is hereby created and established consisting of seven (7) electors who reside within the boundaries of the Fisher Island area. The initial members, as well as any vacancies in the Fisher Island Area Municipal Advisory Committee, shall be those members appointed pursuant to memorandum issued by the County Commissioner from District 5. Appointments shall become effective immediately upon each member filing with the Clerk of the County Commission his or her

ATTACHMENT 1

acceptance of such appointment and the oath of office. The members of the committee shall elect officers from the membership as may be deemed necessary or desirable.

Section 2. The committee shall conduct no fewer than two (2) duly advertised public hearings at which citizens shall have the opportunity to express their views and concerns regarding the proposed incorporation.

Section 3. Prior to the first public hearing the committee shall have met with county staff to review and address concerns that have been raised by both members of the Board of County Commissioners and county staff, shall have reviewed the tape of the County Commission Workshop on Incorporation of January 14, 1999, and shall have become familiar with written materials concerning incorporation presented to the Board of County Commissioners at that time and at any subsequent meeting or workshop.

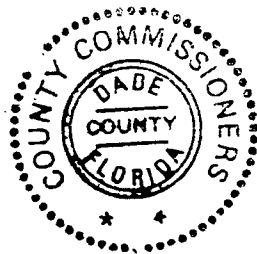
Section 4. Prior to the first public hearing, county staff from the Office of Management and Budget shall prepare a report concerning the proposed incorporation according to the procedures and guidelines contained in Section 20-22(A) and (B), Section 20-23(B), and Section 20-26 of the Code of Miami-Dade County and shall prepare a study to be reviewed by the committee and presented at the public hearings.

Section 5. Prior to one year from the adoption of this resolution, the committee shall prepare and submit an advisory report that shall address the results of the report prepared by county staff and the incorporation or annexation concerns of both members of the Board of County Commissioners and of county staff, and the manner in which those concerns may be alleviated in the event the Fisher Island area is incorporated into a new municipality. The committee's responsibilities shall terminate upon submission of its report.

The foregoing resolution was sponsored by Commissioner Bruno A. Barreiro and offered by Commissioner Bruno A. Barreiro who moved its adoption. The motion was seconded by Commissioner Jose "Pepe" Diaz and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	absent	
Katy Sorenson, Vice-Chairperson	aye	
Bruno A. Barreiro	aye	Jose "Pepe" Diaz
Betty T. Ferguson	aye	aye
Joe A. Martinez	nay	Sally A. Heyman
Dennis C. Moss	aye	absent
Natacha Seijas	absent	Jimmy L. Morales
Sen. Javier D. Souto	aye	aye
		Dorrian D. Rolle
		aye
		Rebeca Sosa
		aye

The Chairperson thereupon declared the resolution duly passed and adopted this 13th day of July, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **KAY SULLIVAN**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

CAC

Craig H. Collier

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MEMORANDUM

Agenda Item No. 4 (Z)

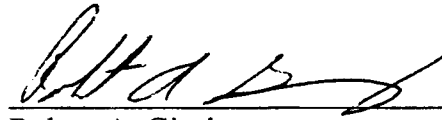
TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: July 13, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution creating &
establishing the Fisher
Island Area Municipal
Advisory Committee

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro.


Robert A. Ginsburg
County Attorney

RAG/jls

X

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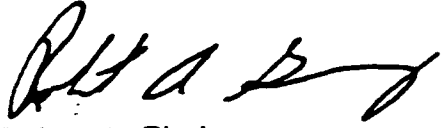


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and Members, Board of County Commissioners

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FROM: 
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County Attorney

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